

AN ORDINANCE 99253

ADOPTING THE 30TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$14,772,150.00 AS CONTAINED IN THE FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 30TH YEAR CDBG PROGRAM; DESIGNATING THE 30TH YEAR CDBG PROGRAM FUNDS; APPROPRIATING 30TH YEAR PROGRAM FUNDS IN THE AMOUNT OF \$14,772,150.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; ESTABLISHING A REVOLVING LOAN ACCOUNT FOR THE NEIGHBORHOOD ACTION DEPARTMENT'S RENTAL REHABILITATION AND OWNER-OCCUPIED REHABILITATION AND RECONSTRUCTION PROGRAMS; AUTHORIZING THE REPROGRAMMING OF CDBG FUNDS IN THE AMOUNT OF \$230,734.93 AVAILABLE FROM THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM (NCR) PROJECT TO OPERATION FACELIFT; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION AND/OR MODIFICATION OF THE APPROPRIATE PROJECT BUDGETS; REVISING THE APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO SAID PROJECTS; AND PROVIDING FOR PAYMENT; AUTHORIZING THE AMENDMENT OF THE NEIGHBORHOOD ACTION DEPARTMENT'S LEAD BASED PAINT HAZARD CONTROL PROGRAM DESCRIPTION TO ADDRESS LEAD BASED PAINT HAZARDS IN HOUSING UNITS WHERE CHILDREN WITH ELEVATED BLOOD LEAD LEVELS HAVE BEEN IDENTIFIED AND REFERRED IN COORDINATION WITH THE HEALTH DEPARTMENT; AUTHORIZING THE AMENDMENT OF THE DANGEROUS STRUCTURES DETERMINATION BOARD'S HISTORIC STRUCTURES STABILIZATION PROGRAM TO INCLUDE COMMERCIAL PROPERTIES AND TO COVER THE COST OF PROFESSIONAL SERVICES; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS IN CONNECTION WITH SAID 30TH YEAR CDBG PROGRAM, AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides

cities with annual grant support to enable the rehabilitation and economic development of their urban communities so as to improve conditions for low and moderate income citizens; and

WHEREAS, the City of San Antonio, through its Community Development Block Grant (CDBG) Program, has administered CDBG grant funds annually beginning with fiscal year 1974-1975 (Year 1), and continuing through fiscal year 2003-2004 (Year 29); and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2004-2005 CDBG Entitlement funds in the amount of \$14,772,150.00 will become available to the City on October 1, 2004; and

WHEREAS, as required by federal regulation, the Fiscal Year 2004-2005 Consolidated Plan Annual Budget was prepared, encompassing grant funds of the 30th Year CDBG and 13th Year HOME; and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, pursuant to applicable HUD regulations designed to ensure adequate citizen input, a public hearing is required in this instance; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on May 27, 2004, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the CDBG Budget as part of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget and to fund the 30th Year CDBG Program on the City's books; and

WHEREAS, in the administration of the Community Development Block Grant (CDBG) Program, funds available in previously-appropriated projects may be retained by grantees for reprogramming to provide supplementation to existing projects and/or funding in support of new programs; and

WHEREAS, the City is a CDBG fund grantee; and

WHEREAS, in connection with the current CDBG Program, the sum of \$230,734.93 is currently available in CDBG funds for said reprogramming and allocation, and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements and/or City Council policy designed to ensure adequate citizen input, a public hearing is required prior to any reprogramming of or modification to CDBG funds and projects, respectively, and prior to the adoption of activities under the City's Community Development Program; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on May 27, 2004, it is now the desire of the City to formally resolve the issues of allocating reprogrammable CDBG funds; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Community Development Block Grant (CDBG) Program Budget of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. The Thirtieth (30th) Year Community Development Block Grant (CDBG) Program beginning October 1, 2004 and terminating September 30, 2005 is hereby authorized.

SECTION 3. Fund No. 28-030000 entitled, "COMMUNITY DEVELOPMENT BLOCK GRANT THIRTIETH YEAR" is hereby designated for use in accounting for the above grant and the total sum of \$14,772,150.00 is hereby appropriated in said fund for allocation to projects as set out in the detailed budget affixed hereto and incorporated herein for all purposes as Attachment I.

SECTION 4. The Deputy City Manager, all Assistant City Managers, Assistants to the City Manager, and the Housing and Community Development Director are hereby designated and authorized as representatives of the City Manager for the purpose of CDBG program administration and communication with HUD.

SECTION 5. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by the U.S. Department of Housing and Urban Development (HUD) for award of the aforesaid entitlement funds.

SECTION 6. Subject to and upon award of the aforesaid grant funds, the City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 7. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby directed to monitor all CDBG-funded neighborhood revitalization and public service project activities so as to assure compliance with goals and objectives adopted by City Council; substantial fiscal or programmatic changes thereto shall in all cases be approved by the City Council.

SECTION 8. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Housing and Community Development Director is hereby authorized and directed to carry out the administration of the 30th Year CDBG Program. Such administration shall include, but not be limited to, the execution of any and all contracts and other documents necessary in connection with the 30th Year CDBG Program, two form examples of which are affixed hereto and incorporated herein for all purposes as Attachments II and III, and the reaffirmation of any and all assurances required of the City by HUD.

SECTION 9. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or Housing and Community Development Director is hereby given authority to approve the 30th Year CDBG Program Administrative budget for the San Antonio Development Agency (SADA) with the total budget not to exceed that set forth pursuant to Attachment I affixed hereto.

SECTION 10. The Neighborhood Action Department is hereby authorized to establish a CDBG Revolving Loan Fund for its CDBG-funded Rental Rehabilitation and Owner-Occupied Rehabilitation and Reconstruction Programs, and loan repayments and interest, designated as program income, are hereby authorized to be deposited in 2004-2005 in said Revolving Loan Fund. Funds therein shall be used for additional loans in compliance with the Community Development Policy Guide and as approved by the City. The Neighborhood Action Department shall report program income revenues and expenditures to be received to the Housing and Community Development staff by no later than the tenth (10th) calendar day of each month. In compliance with HUD CDBG regulations, the Finance Department, upon receipt of the revenue and expenditure reports, is hereby authorized to incorporate the program income in Index No. 071142 and to appropriate said amounts to CDBG Project No. 28-030505, entitled "NEIGHBORHOOD ACTION REVOLVING LOAN ACCOUNT."

SECTION 11. The Housing and Community Development Director is hereby authorized to execute any and all agreements with sub-grantees and/or City departments for each project delineated in Attachment I. Further, the Director of the Neighborhood Action Department is hereby authorized to execute any and all documents in connection with all Owner-Occupied Reconstruction, Rental Rehabilitation and housing revitalization programs. Sub-grantee contracts and interdepartmental agreements are hereby required to contain acceptable detailed performance indicators for each project and the information for such contracts and agreements must be finalized by no later than November 1, 2004 in order to facilitate their execution. The Directors of the Housing and Community Development and Finance Departments are hereby authorized and directed to automatically cancel and move the full budget allocation provided to any project, including City Administration project allocations, for which acceptable performance indicators are not provided, or for which information for contract/interdepartmental agreement execution has not been received by the appropriate City department by November 1, 2004, to the CDBG Contingency Account in preparation for timely reprogramming to other eligible activities. Additionally, the Housing and Community Development Director is hereby authorized to cancel any project activity set-up in the HUD IDIS system for which no activity is evidenced for a forty-five (45) day period.

SECTION 12. The Director of Housing and Community Development is hereby authorized to cancel and reprogram any and all budget allocations provided to any project, in the event, any sub-grantee contract and/or interdepartmental agreement is not executed by January 1, 2005.

SECTION 13. All projects in CDBG Entitlement Program funds for the 29th year with completed scopes of work are hereby closed and unexpended grant monies and program income in said funds are hereby authorized to be placed in the contingency fund in preparation for future reprogramming in compliance with City policies and HUD regulations.

SECTION 14. The Housing and Community Development Director is hereby designated the Program Manager for the CDBG Program. Further program responsibilities shall be as follows:

- (a) The Housing and Community Development Department shall administer and monitor all CDBG programs and fiscal activities and requests;
- (b) The Human Resources Department shall monitor all projects and sub-agencies as necessary for compliance with all equal employment opportunity rules, regulations, policies and laws;
- (c) The Department of Economic Development shall monitor all projects and sub-agencies as necessary for compliance with local, state and federal MBE-WBE rules, regulations, policies and laws;
- (d) The Community Initiatives Department shall monitor, where applicable, fair housing compliance and shall administer the handling and resolution of complaints related thereto;
- (e) The Department of Public Works shall monitor flood insurance and floodplain management compliance, shall conduct pre-construction conferences, and shall monitor Davis-Bacon compliance for all CDBG capital improvement projects;
- (f) The Office of the City Auditor shall accomplish fiscal and program compliance audits of the sub-grantee agencies in the CDBG program in compliance with OMB A-133, and in coordination with the City's annual independent audit; and
- (g) The City Attorney's Office shall provide legal services including, but not limited to, contract and loan development and review and the preparation of legal opinions to resolve questions of regulatory application associated with the development and administration of HUD programs administered by the City's Department of Housing and Community Development.

SECTION 15. The personnel classifications and pay ranges set forth in Attachment IV affixed hereto and incorporated herein for all purposes are hereby authorized for carrying out aspects of the approved 30th Year CDBG Program.

SECTION 16. Revisions to Community Development Block Grant (CDBG) projects in the amount of \$230,734.93 from the Neighborhood Commercial Revitalization Program (NCR) to fund Operation Facelift and the modifications to the budgets and reprogramming in support thereof are hereby approved in accordance with the budget schedule affixed hereto and incorporated by reference herein for all purposes as Attachment V. Said funds are hereby authorized to be reprogrammed to modify and/or create CDBG projects in accordance with Attachment V.

SECTION 17. Transfer of funds, expenditures and encumbrances necessitated and scheduled pursuant to the aforesaid Attachment I is hereby authorized for entry into the budgets as therein described.

SECTION 18. The City's Director of Finance is hereby authorized to effect on the books of the City the cancellations, revisions and/or reprogramming in support thereof, set forth in Attachment I. The City Manager or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the City's Director of Housing and Community Development is hereby authorized to execute any and all contracts and other documents as necessary for (a) implementation of the reductions, revisions and reprogramming set forth in Attachment I and (b) compliance with HUD rules, regulations and procedures, and to submit all certifications and such other information to and as required by HUD.

SECTION 19. The City's Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this reprogramming.

SECTION 20. The Neighborhood Action Department's Lead Based Paint Hazard Control Program description is hereby authorized to be amended to address lead based paint hazards in housing units where children with elevated blood lead levels have been identified and referred in coordination with the Health Department.

SECTION 21. The Dangerous Structures Determination Board's Historic Structures Stabilization Program is hereby authorized to be amended to include commercial properties and to cover the cost of professional services.

SECTION 22. The Finance Department is hereby authorized and directed in its payments to other agencies to follow drawdown procedures established by both the City of San Antonio and HUD whereby CDBG funds shall be drawn down prior to other funds in the case of multi-funded projects where not in conflict with other federal requirements. The Finance Department is further directed to ensure that prior to processing any and all fiscal requests related to Fund 28 CDBG accounts, each such request has received prior compliance review and approval by the Housing and Community Development Director, or his designated representative, and that such review and approval is indicated by their signatures or initials affixed to the fiscal request.

SECTION 23. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

SECTION 24. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to complete all documents required by HUD to officially close projects and program financial records following completion of the contracted scope-of-work.

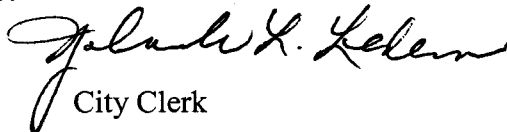
SECTION 25. This ordinance shall be effective on the 6th day of June, 2004.

PASSED AND APPROVED this 27th day of May, 2004.

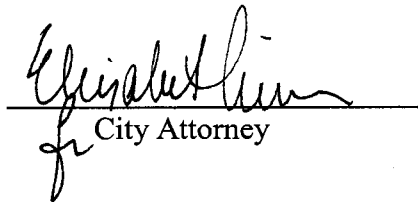


M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM


City Attorney